

EXHIBIT

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SUMMONS

IN THE CIRCUIT COURT OF WAYNE COUNTY, WEST VIRGINIA

CHRISTOPHER MOUNTS

V.

CIVIL ACTION NO: 12-c-209

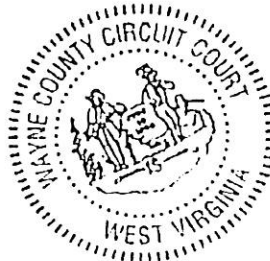
ARGUS ENERGY WV LLC
PO Box 416
Kenova, WV 25530

To the above-named DEFENDANT, ARGUS ENERGY WV LLC:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon DON JARRELL, plaintiff's attorney whose address is PO BOX 190 WAYNE WV 25570, an answer including any related counterclaim you may have to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer with-in 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will thereafter be barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated 9-14-12

Milton J. Jackson II
Clerk of the Court



IN THE CIRCUIT COURT OF WAYNE COUNTY, WEST VIRGINIA

CHRISTOPHER MOUNTS,
Plaintiff,

v.

ARGUS ENERGY WV LLC,
Defendant.

CIVIL ACTION NO: 12-C-209
JUDGE: Young

COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Plaintiff, Christopher Mounts, by and through his undersigned attorney and sues the Defendant, Argus Energy WV LLC, d/b/a, and alleges as follows:

1. At all times material hereto, the Plaintiff, Christopher Mounts is a resident of 271 Mill Creek Road, Genoa, Wayne County, West Virginia 25517.
2. At all times material hereto, the Defendant, Argus Energy WV LLC, is a business authorized to operate in the State of West Virginia with a mailing address as P.O. Box 416, Kenova, WV 25530, the principal office address as P.O. Box 190, Lovely, KY 41231 and an agent for service of process: Rebecca S. Gohmann, Esq, 2408 Sir Barton Way, Suite 325, Lexington, KY 40509-8305.
3. That on the 22nd day of February, 2011, the Plaintiff, Christopher Mounts was operating a Rotobec Coal Off Loader owned by the Argus Energy while employed by the Defendant, Argus Energy, at Dunlow, West Virginia, Wayne County.
4. That on the above date while the Plaintiff, Christopher Mounts shift had ended as he was exiting the Off Loader he fell six feet to the floor below .
5. The Plaintiff, Christopher Mounts, stated to exit the Off Loader an employee would

have to stand up with their rear to the door and back off and than grab the door and ease their self down. Due to the Off Loader not having a handrail/grabrail while exiting the equipment the Plaintiff fell falling six feet causing severe bodily injuries to the Plaintiff.

6. The above-described off-loader experienced defects such as no handrail/grabrail to keep from falling thus further causing severe permanent injuries to the Plaintiff, Christopher Mounts.

7. At all times material hereto the Defendant, Argus Energy WV LLC,, knowing that it was to be used without inspection for defect of said equipment; including but not limited to, other component failure and/or defects and/or design defects such as the failure of defective .

8. The Plaintiff, Christopher Mounts sustained severe back and leg injuries as a result of the aforementioned accident.

COUNT I
NEGLIGENCE OF DEFENDANT, ARGUS ENERGY WV LLC

9. Plaintiff repeats and realleges paragraphs I through 8, as if fully set forth herein.

10. The Defendant, Argus Energy WV LLC, is vicariously liable for the actions and negligence of their employees and agents for the unsafe repairs and maintenance and defective condition of the aforementioned incident.

11. The Defendant, Argus Energy WV LLC, is further negligent in failing to properly control the maintenance of their equipment and are in violation of West Virginia law and general safety standards.

12. Such aforementioned conditions greatly increased and created a specific unsafe working condition which presented a high degree of risk and a strong probability of serious injury to those who may be operating said equipment.

13. The Defendant had knowledge of this specific unsafe working condition.

14. The employer had a subjective realization and an appreciation of the existence of such specific unsafe working condition and of the high degree of risk and strong probability of serious injury presented by such specific unsafe working condition.

15. Such specific working condition violated state and federal regulations and safety statutes including but not limited to the general duty clause which guarantees each worker a safe and healthy place of work.

16. Requiring the Plaintiff, Christopher Mounts, to work on an unsafe vehicle and Defendant's failure to warn Plaintiff of the probability of injury and being put in a position of such an extreme amount of danger, clearly violates the well-known safety standards within this industry.

17. That such specific unsafe working condition was a violation of state or federal safety statute, rule or regulation.

18. That specific unsafe working condition was a violation of commonly accepted and well-known safety standard within the industry of the Defendant, which statute, rule, regulation or standard was specifically applicable to the particular work or working condition involved.

19. That notwithstanding the existence of the facts set forth in paragraphs 1 through 18, the Defendant, Argus Energy WV LLC, nevertheless exposed the Plaintiff, Christopher Mounts to such specific unsafe working condition intentionally.

20. That the Plaintiff, Christopher Mounts so exposed, suffered serious injury as a direct and proximate result of such specific unsafe working condition.

21. As a direct and proximate result the Plaintiff, Christopher Mounts, suffered severe back and leg injuries, has suffered a permanent disability, has undergone pain and suffering and

mental pain and anguish therefrom and will suffer such pain and anguish in the future, has lost the capacity for the enjoyment of life, incurred and will continue to incur medical expenses in the future, has lost wages in the past, and will continue to suffer such losses in the future.

WHEREFORE, Plaintiff, Christopher Mounts, sues the Defendant, Argus Energy WV LLC, for compensatory damages and demands judgment against the Defendant in an amount equal to or in excess of jurisdictional limits, together with costs, prejudgment and post judgment interest and demands trial by jury on all issues so triable as of right by jury.

CHRISTOPHER MOUNTS
By Counsel



DONALD R. JARRELL, ESQ.
218 North Court Street
P.O. Box 190
Wayne, WV 25570
(304) 272-6391
(304) 272-6392 FAX

10/17/12
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VERIFICATION OF PLEADING

I, CHRISTOPHER MOUNTS, named in the foregoing Complaint, being first duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be upon information, he believes them to be true.


CHRISTOPHER MOUNTS

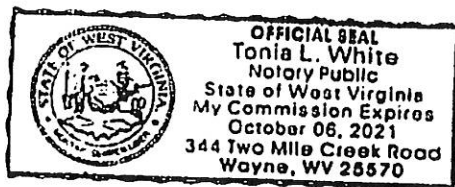
STATE OF WEST VIRGINIA.

COUNTY OF WAYNE, TO-WIT:

Taken, subscribed and sworn to this 11th day of September, 2012.

My commission expires October 06, 2021.


NOTARY PUBLIC



IN THE CIRCUIT COURT OF WAYNE COUNTY, WEST VIRGINIA

CHRISTOPHER MOUNTS,
Plaintiff,

v.

ARGUS ENERGY WV, LLC,
Defendant.


CIVIL ACTION NO.: 12-C-209
JUDGE: Young

CERTIFICATE OF SERVICE

I, Donald R. Jarrell, counsel for the Plaintiff, Christopher Mounts, certify that a true and correct copy of the foregoing Complaint was served upon the following individuals, by the United States Mail, postage prepaid, first class, on this the 14th day of September, 2012.

Argus Energy WV, LLC.
PO Box 416
Kenova, WV 25530

Rebecca S. Gohmann, Esq.
2408 Sir Barton Way,
Suite 325
Lexington, KY 40509-8305



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